

REMARKS

In response to the Examiner's restriction requirement, applicant has elected Examiner-identified Group I represented by claims 1-22 with traverse. The applicant traverses the restriction with respect to the inclusion of claims 34-38 in Group II rather than Group I. Claims 23-33 are withdrawn from examination. No claims have been amended or cancelled herein. **The claims remaining in consideration are claims 1-22 and 34-38. Claims 1, 11 and 34 are the independent claims remaining under consideration.** No new matter has been added by this amendment and response.

I. Election/Restriction Requirement

In the official communication of July 7, the Examiner has identified Group I as represented by claims 1-22, drawn to a packaging and irradiation apparatus, and Group II as represented by claims 23-33, drawn to a packaging and irradiation apparatus utilizing a process control system. In a telephone call to the Examiner, the applicant noted that the restriction requirement did not address pending claims 34-38, and the Examiner subsequently responded by telephone by indicating that claims 34-38 would be included in Group II. The applicant elects Group I with traverse. The election of the Group I claims is made without prejudice to the non-elected Group II claims.

The applicant traverses the pending restriction requirement with respect to the inclusion of claims 34-38 in Group II rather than Group I. The applicant notes that the stated ground for restriction is that Group II includes a control system to control the flow and processing of the packages through the machine. However, the applicant further notes that independent claim 34 does not require the referenced control system and respectfully submits that claim 34 – and its dependent claims 35-38 – are, therefore, properly included in Group I rather than Group II. For that reason, the applicant respectfully submits that Group I, which the applicant elects herein, should encompass claims 1-22 and claims 34-38. Therefore, the applicant respectfully requests

reconsideration of the restriction with respect to the inclusion of claims 34-38 in Group II rather than Group I.

Because Applicant may wish to pursue claims of the non-elected Group II at a later date by divisional application, if necessary, it is requested that these claims, pursuant to 37 CFR 1.142, be permitted to remain in the application, but withdrawn from examination.

II. Conclusion

It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. However, if any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present response, it is respectfully requested that the Examiner please telephone Applicant's undersigned attorney in this regard.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,



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